IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1201 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/04/2005 in WP NO : 24271 OF 1996 on the file of the High Court.)

Between:

Gangula china Kotaiah, S/o. Veera Swami,
R/o. Malkimohammadpuram,

H/o. Pulla, Bhimadole Mandal, W.G.District.

..... APPELLANT

AND

1 The State of A.P.,

rep. by its Principal Secretary to Govt,

Revenue Department, Secretariat, Hyderabad.
2 The Commissioner, Charitable and

Hindu Religious Institutions and Endowments Dept.,
Govt of A.P., Hyderabad.
3 The District Collector (Social Welfare),

W.G.District, Eluru.
4 The Revenue Divisional Officer,

Eluru, West Godavari District.
5 The Mandal Revenue Officer,

Bhimadole, W.G.District.

6 The Asst. Commissioner,

Charitable and Hindu Religious Institutions

and Endowments Department,
Govt of A.P., Eluru, W.G.District.

7 The Gram Panchayat of Pulla,

Bhimadole Mandal, W.G.District,
rep. by its Executive Officer.

8 Gautu Jagan Mohan Venkata Narsaiah alias Srinivas,

S/o. Mohana Sita Ramaiah,
R/o. Malki Mohammadpuram,

H/o. Pulla, Bhimadole Mandal, W.G.District.

.....RESPONDENTS

Counsel for the Appellant: MR.T.DURGA PRASAD RAO

Counsel for Respondent Nos.1 to 6: GP FOR REVENUE

Counsel for Respondent No.7: ------

Counsel for Respondent No.8: MR.T.S.ANAND

The Court at the admission stage made the following :

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

This is a writ appeal against the orders passed by the learned single Judge in W.P.No.24271 of 1996, dated 21-04-2005. It appears that the appellant-petitioner claims to be tenant of property belonging to the temple. It was acquired by the State for the purpose of allotting said land to those, who did not have house sites. On various grounds, the acquisition itself was challenged. In addition, it was also stated before the learned Single Judge that there was no urgency, and therefore, dispensation of enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') was bad.

The learned single Judge considered all the arguments made before him, and dismissed the writ petition.

While going through the order of the learned single Judge, we find that the land has been acquired in the year 1996, possession was taken by the State on 25-

5-1996, and pattas were issued to those, to whom this land was allotted. Ten years have passed. They must have constructed their houses over the said piece of land. Those beneficiaries are not before this Court. After lapse of a decade, it would not be possible for this Court to decide a matter, which would adversely affect those, who have been allotted this land on 28-05-1996.

Besides agreeing with the reasons given by the learned single Judge for not granting the reliefs in the writ petition, for the reasons given by us herein above, we dismiss the writ appeal. We take note of the fact that the learned single Judge has allowed the appellant-petitioner to claim the compensation from Devasthanam as a tenant of the land. No costs.

(Bilal Nazki, A.C.J)

(G.Chandraiah, J)

27th June, 2005

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Copy to:

1 The Principal Secretary to Govt,

State of A.P., Revenue Department,

Secretariat, Hyderabad.
2 The Commissioner, Charitable and

Hindu Religious Institutions and Endowments Dept.,
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Govt of A.P., Eluru, W.G.District.
7 The Executive Officer,

Gram Panchayat of Pulla,

Bhimadole Mandal, W.G.District,
8 Two CCs to the G.P for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

9 Two CD copies.